

Response to Restriction Requirement  
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### REMARKS

Claims 1-56 are pending in the application. Reexamination and reconsideration of the application are requested in view of the current remarks.

#### **Elections/Restriction**

In response to the Restriction Requirement mailed August 28, 2003, Applicants hereby provisionally elect Group 2, Claims 26-34 and 38-40. This election is made with traverse. In the Restriction Requirement the Examiner states that Claims 26-34 and 38-40 are "drawn to proteins comprising SEQ ID NO:2 and SEQ ID NO:4 and compositions comprising same." Applicants respectfully assert that Claims 26-34 and 38-40 are not limited in scope to proteins comprising SEQ ID NO:2 and SEQ ID NO:4 and compositions comprising same. The Restriction Requirement is traversed for the following reasons.

Applicants respectfully submit that search and examination of the entire application could be made without serious burden. According to MPEP 803, "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct and independent inventions." In contrast, the prosecution of five separate patent applications would place undue financial hardship on Applicants. For at least these reasons, Applicants respectfully request reconsideration and withdrawal of the Restriction Requirement and examination of all claims on the merits.

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**CONCLUSION**

Applicants respectfully assert that the claims are now in condition for allowance and respectfully request that the application be passed to issuance. If the Examiner believes that any informalities that may be corrected by Examiner's amendment remain in the case, or if there are any other issues which can be resolved by a telephone interview, a telephone call to the undersigned agent at (404) 815-6102 is respectfully solicited.

No additional fees are believed due, however, the Commissioner is hereby authorized to charge any deficiencies which may be required or credit any overpayment to Deposit Account Number 11-0855.

Respectfully submitted,

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